

HOUSE BILL NO. 200

INTRODUCED BY B. DAVIES

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE III, SECTION 1, OF THE MONTANA CONSTITUTION TO PROVIDE THAT A MONTANA SUPREME COURT DECISION THAT IS BASED WHOLLY ON STATE CONSTITUTIONAL GROUNDS OR FOR WHICH STATE CONSTITUTIONAL GROUNDS ARE NECESSARY TO THE DECISION IS OVERTURNED IF 60 PERCENT OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE VOTE TO OVERTURN THE DECISION AT BOTH OF THE TWO REGULAR SESSIONS OF THE LEGISLATURE THAT FOLLOW THE DECISION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article III, section 1, of The Constitution of the State of Montana is amended to read:

"Section 1. Separation of powers. (1) The power of the government of this state is divided into three distinct branches--legislative, executive, and judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted.

(2) A supreme court decision that is based wholly on state constitutional grounds or for which state constitutional grounds are necessary to the decision is overturned if 60 percent of the members of each house of the legislature vote to overturn the decision at both of the two regular sessions of the legislature that follow the decision."

NEW SECTION. **Section 2. Submission to electorate.** This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 2002 by printing on the ballot the full title of this act and the following:

[] FOR allowing the legislature to overturn a Montana Supreme Court decision that is based on state constitutional grounds.

[] AGAINST allowing the legislature to overturn a Montana Supreme Court decision that is based on state constitutional grounds.

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